

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TQP DEVELOPMENT, LLC,

*Plaintiff,*

v.

MERRILL LYNCH & CO., INC., ET AL

*Defendants.*

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CIVIL NO. 2:08-CV-00471-TJW-CE

**JURY TRIAL DEMANDED**

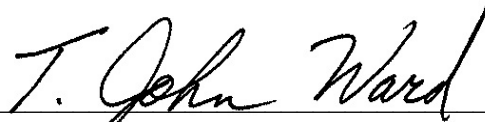
**ORDER OF DISMISSAL WITH PREJUDICE**

CAME ON THIS DAY for consideration of the Stipulated Motion for Dismissal With Prejudice of all claims and counterclaims asserted between Plaintiff, TQP Development, LLC, and Defendants Capital One Financial Corporation, Capital One Services, Inc., and Capital One, NA (collectively "Capital One"), in this case, and the Court being of the opinion that said motion should be GRANTED, it is hereby

ORDERED, ADJUDGED AND DECREED that all claims and counterclaims asserted in this suit between TQP Development, LLC, and Capital One, are hereby dismissed with prejudice, subject to the terms of that certain agreement entitled "**SETTLEMENT AGREEMENT**" and dated September 29, 2009.

It is further ORDERED that all attorneys' fees, expenses and costs are to be borne by the party that incurred them.

SIGNED this 8th day of October, 2009.



T. JOHN WARD

UNITED STATES DISTRICT JUDGE

